

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

<p>RABBI DAVID SLOMOVITZ, NATHAN FRANKEL, EDWARD HANDLER, SAMUEL LANDY, MIRIAM LEVITZ, HARRY LIEBER, DAVID REICH, ABRAHAM TAUBER, and MORRIS WALDMAN,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>THE ENCLAVE AT FAIRWAYS, HOMEOWNERS ASSOCIATION, INC., a New Jersey Domestic Corporation,</p> <p style="text-align: right;">Defendant.</p>	<p>Civil No.</p> <p style="text-align: center;">DECLARATION OF NATHAN FRANKEL</p>
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DECLARATION OF NATHAN FRANKEL

Nathan Frankel declares as follows, pursuant to 28 U.S.C. § 1746:

1. I am a resident of The Enclave at the Fairways ("The Enclave") and a member of The Enclave at the Fairways Homeowners Association, Inc. ("HOA").
2. I am a practicing Orthodox Jew.
3. I purchased my home at 551 Bennington Lane, Lakewood, New Jersey, 08701 in August 2017.
4. I attend the Chestnut Shul, which is a ten-minute walk from the Damiano exit of The Enclave.

5. At the time I purchased my home, the Damiano pedestrian gate was not locked. This was the most important factor in my decision to purchase my home, since I knew I could attend synagogue on the Sabbath by exiting The Enclave through the gate.
6. A few weeks after I moved in, the HOA locked the Damiano pedestrian gate on the Sabbath. This forced me to bend under the gate in order to attend synagogue, which was physically difficult and humiliating, especially given that I am a homeowner in The Enclave.
7. I have children, nieces, and nephews who live in surrounding neighborhoods and are also prohibited from visiting me on the Sabbath because of the Damiano pedestrian gate's hours of opening and closing on the Sabbath.
8. I was required by the HOA to obtain a permit in order to build and keep a Sukkah at my residence during the Jewish Sukkot holiday in September 2018.
9. I was required to place this permit--which was a brightly colored, eight-by-eleven sheet of paper--in my front window. This was demeaning and offensive, especially when other residents are not required to obtain permits in order to decorate their residences for the Christmas and Easter holidays.
10. I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 5, 2018



Nathan Frankel